

## **EXHIBIT M**

**DECLARATION OF JOHN ST. CROIX IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION**

Ethics Commission



1390 Market Street, Suite 801  
San Francisco, CA 94102  
Phone 554-9510 Fax 703-0121

**SAN FRANCISCO ETHICS COMMISSION**  
**NOTICE OF SPECIAL MEETING AND AGENDA**

**Monday, June 26, 2000, 5:00 p.m.**

**City Hall, One Dr. Carlton B. Goodlett Place, Room 408**

- I. Call to order and roll call
- II. Public comment on matters appearing or not appearing on the agenda that are within the jurisdiction of the Ethics Commission
- III. Discussion and possible action re: Proposal to submit a ballot initiative, in the November 2000 election, amending the San Francisco Campaign and Governmental Conduct Code to provide for public financing of election campaigns. (The deadline for submission of a ballot measure is August 9, 2000.) Draft legislation will be available from the Commission office on Thursday, June 22.
- IV. Public comment on matters appearing or not appearing on the agenda that are within the jurisdiction of the Ethics Commission
- V. Adjournment

**Know Your Rights Under the Sunshine Ordinance**

*Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.*

*For more information on your rights under the Sunshine Ordinance (Chapter 67 of the SF Admin. Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4869. Office telephone: (415) 554-7724; Fax: (415) 554-5163; E-mail: Donna\_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's web site at [www.ci.sf.ca.us/bdsupvrs/ordinance.htm](http://www.ci.sf.ca.us/bdsupvrs/ordinance.htm)*

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## Ethics Commission

June 26, 2000

(Approved 7/31/00)

**Minutes of the  
Special Meeting of the San Francisco Ethics Commission  
City Hall, One Dr. Carlton B. Goodlett Place, Room 408  
June 26, 2000, 5:00 p.m.**

**I. Call to order and roll call.**

Chairperson Isabella H. Grant called the meeting to order at 5:10 p.m.

COMMISSION MEMBERS PRESENT: Isabella H. Grant, Chairperson; Henri E. Norris, Vice-Chairperson; Robert D. Dockendorff, Commissioner; Paul H. Melbostad, Commissioner.

Commissioner Carol M. Kingsley was absent and excused.

STAFF PRESENT: Ginny Vida, Executive Director; Katherine Havener, Ethics Investigator/Legal Analyst; Frank Lester, Staff Assistant; Shaista Shaikh, Campaign Finance Auditor.

OFFICE OF THE CITY ATTORNEY: Claire Sylvia, Deputy City Attorney.

OTHERS PRESENT: Robert Stern, Director, Center for Governmental Studies; Joan Mandle, California Common Cause; Charles Marsteller, Common Cause; Anita Mayo, Pillsbury, Madison and Sutro; Jo Ann Fuller, Common Cause; Mike Mooney, Alliance for Democracy; Fred Ridel; Christopher Bowman; JR Manual.

**MATERIALS DISTRIBUTED:**

S.F. Ethics Commission Agenda, June 26, 2000

Draft Minutes of the S.F. Ethics Commission Meeting of June 12, 2000

Memorandum dated June 21, 2000 from Julie Moll to Members, Ethics Commission re: Draft Legislation for "Fair Elections Ordinance" Ballot Initiative Providing for Public Financing of Elections

**II. Public comment on matters appearing or not appearing on the agenda that are within the jurisdiction of the Ethics Commission.**

There was no public comment.

**III. Discussion and possible action re: Proposal to submit a ballot initiative, in the November 2000 election, amending the San Francisco Campaign and Governmental Conduct Code to provide for public financing of election campaigns.**

Commission Chair Isabella H. Grant briefly outlined the issues to be considered by the Commission. Executive Director Ginny Vida noted that the revised draft of the proposed ballot measure incorporates the modifications approved by the Commission at its June 12, 2000 meeting. Ms. Vida explained that the revised legislation would: 1) provide for pro rata distribution of funds; 2) reduce the limit on contributions to each committee from \$2,500 to \$500; 3) change the overall limit on contributions to candidates and committees from \$12,500 to \$500 multiplied by the number of City elective offices to be voted on during the calendar year; 4) require that committee treasurers obtain information about the contributor prior to depositing the contribution; 5) delete the document retention periods; 6) substitute the word "appropriation" for "cost"; and 7) authorize the Ethics Commission and the Board to amend the Ordinance in the future.

The Commission proceeded to discuss and vote on additional amendments to the proposed ballot measure. With respect to the threshold that triggers the lifting of the spending limit in the case of independent spending, Ms. Vida expressed concern that a threshold of 25 percent of the spending limit is too low. She said that the limits may be lifted too soon in view of the large amount of independent spending that occurred in 1999. Staff recommended that the spending limit be lifted when independent expenditures reach 100 percent, instead of 25 percent, of the voluntary spending limit.

**Motion 00-6-26-42 (Melbostad/Norris) Moved, seconded and passed: That the Commission amend the proposed legislation to raise the threshold for lifting the spending limits from 25 percent to 100 percent, so that the voluntary spending limits are lifted if independent expenditures exceed 100 percent of the spending limit.**

Ms. Vida also noted that the proposed aggregate contribution limit of \$500 times the number of offices on the ballot is set too low to allow a contributor to give the maximum amount to each candidate the contributor could vote for in years in which there are only two or three offices on the ballot. She said this formula does not take into consideration the \$250 contribution limit allowed in a run-off.

A discussion ensued on what the appropriate aggregate contribution limit for candidate committees and non-candidate committees should be.

#### Public Comment

Anita Mayo, of Pillsbury, Madison and Sutro, noted that the legislation included the language "calendar year" regarding contribution limits and suggested that the Commission might be prohibiting contributions during a non-election year. Ms. Mayo stated that a provision prohibiting contributions during non-election years would favor incumbents. Ms. Mayo recommended that Sec. 1.114(d) be a separate section.

Christopher Bowman expressed concern that the provision in the legislation regarding aggregate contribution limits with respect to candidate-controlled committees was too restrictive. Mr. Bowman noted that under this provision, he would be able to contribute to only one candidate for each office. Mr. Bowman recommended that the aggregate contribution limits be revised to allow contributors to contribute to at least two candidates for each office.

Robert Stern, Director of the Center for Governmental Studies, recommended that the aggregate contribution limits for contributions to candidate-controlled committees be \$500 multiplied by the number of vacant seats for the general election, and an additional \$250 multiplied by the number of vacant seats for the run off election. Mr. Stern recommended that for non-candidate committees, the aggregate contribution limit be a fixed amount, such as, \$2,000. Mr. Stern also recommended that the language "calendar year" be deleted from the legislation.

Charles Marsteller, Common Cause, recommended that the Commission adopt parallel models in determining aggregate contribution limits for candidate-controlled and non-candidate committees. Mr. Marsteller recommended that for candidate-controlled committees, the aggregate limit be set at \$500 multiplied by the number of vacant seats

for the general election, and \$250 multiplied by the number of vacant seats for the run off election. Mr. Marsteller further stated that the aggregate limit for non-candidate committees should be the same as the limit for candidate-controlled committees.

Joan Mandle, Common Cause, endorsed Mr. Stern's proposal.

JR Manual expressed support for a fixed limit for non-candidate committees.

Commissioner Robert D. Dockendorff expressed support for Mr. Marsteller's recommendation.

Commissioner Paul Melbostad noted that independent spending undermines the limits placed on contributions to candidate-controlled committees. Commissioner Melbostad explained that the intent of the legislation is to address the shortcomings of prior contribution limits, not to fuel the undermining of limits placed on contributions to candidate-controlled committees. Ms. Vida recommended that the aggregate contribution limits to non-candidate controlled committees be fixed at \$5,000. Commissioner Grant suggested that the limits be fixed at \$3,000.

Commissioner Dockendorff expressed his concern regarding a fixed contribution limit for non-candidate controlled committees. He noted that during an election in which there are many contested offices, the amount of money that could be spent on each race would be less.

**Motion 00-6-26-43 (Melbostad/Norris) Moved, seconded and passed: That the Commission amend the legislation so that aggregate contribution limits be set as follows: a) for candidate-controlled committees, \$500 multiplied by the number of offices for the general election and \$250 multiplied by the number of offices for the run off election, per election cycle; and b) for non-candidate committees, a \$3,000 limit per calendar year.**

The Commission then agreed on draft language for a process by which the legislation could be amended by the Ethics Commission and the Board of Supervisors, under certain conditions.

**Motion 00-6-26-44 (Melbostad/Dockendorff) Moved, seconded and passed: That the Commission adopt the provisions of the draft legislation that authorize the Ethics Commission and the Board of Supervisors to amend the Ordinance if specified conditions are met.**

Commissioner Dockendorff recommended that the provision limiting loans of personal funds by a candidate to his/her own campaign apply to all candidates, not just those who accept public financing. Ms. Vida noted that while some candidates have loaned their campaigns money, there is no evidence that elected candidates have abused this practice by raising contributions after assuming office to repay themselves for the loans.

Mr. Stern recommended that the current limit on loans of \$10,000 be changed to \$25,000. Mr. Stern also recommended that this limit represent the amount of personal loans that a candidate may have outstanding at any time.

Commissioner Melbostad recommended that non-participating candidates limit their loans to \$25,000 and participating-candidates limit their loans to \$10,000. Commissioners Grant and Dockendorff proposed that equal loan restrictions be applied to all candidates.

**Motion 00-6-26-45 (Dockendorff/Norris) Moved, seconded and passed: That the Commission amend the legislation to require all candidates to limit loans to their campaigns of \$15,000 outstanding at any time.**

It was noted that the above restriction does not restrict candidates from contributing their own money to finance their campaigns.



Fred Ridel, Common Cause, noted that the civil enforcement provision in the legislation regarding the private right of action applies only to public financing. Mr. Ridel recommended that the legislation be amended so that the enforcement provision would compel compliance to all provisions of the ordinance and all civil actions alleging violations of the ordinance.

**Motion 00-6-26-46 (Melbostad/Dockendorff) Moved, seconded and passed: That the Commission amend the legislation so that the private right of action provision applies to all provisions, not just the public financing provisions.**

A discussion ensued on retention of campaign statements.

**Motion 00-6-26-47 (Norris/Dockendorff) Moved, seconded and passed: That the Commission amend the legislation so that: a) the provision in Sec. 1.112 regarding the document retention period be reinstated; and b) the documents be retained for at least eight years, the equivalent of two election cycles.**

Ms. Mayo recommended that the Commission adopt the State law definition of a committee.

**Motion 00-6-26-48 (Melbostad/Dockendorff) Moved, seconded and passed: That the Commission amend the legislation to replace the definition of "committee" with the definition provided by State law.**

Deputy City Attorney Claire Sylvia advised that if the Commission had intended to make the private right of action parallel State law, it should change the 30-day period for the civil enforcement authority to act to 120 days. Mr. Stern recommended changing this period to 60 days.

**Motion 00-6-26-49 (Melbostad/Dockendorff) Moved, seconded and passed: That the Commission amend the legislation so that the 30-day period for the civil enforcement authority to act be changed to a 60-day period.**

With respect to notification requirements regarding spending levels, Ms. Mayo stated that she did not see a need to impose these notification requirements in elections where there are no participating candidates and committees. Ms. Mayo stated that if no candidate in a race for a particular office accepts the voluntary expenditure ceiling, then there is no need for notification requirements.

Ms. Vida stated that candidates who are contemplating accepting the voluntary limits would find it helpful to be notified of the level of spending of their opponents. She said that candidates have until the date of filing nomination papers (in early August) to decide whether to accept or decline the limits. She also said that the Voter Information Handbook provides notice to voters as to which candidates have accepted the limits.

**Motion 00-6-26-50 (Melbostad/Grant) Moved, seconded and passed: That the Commission amend the legislation to eliminate the notification requirement with respect to spending levels when no candidate for a particular elective office has accepted the spending limit.**

**Motion 00-6-26-51 (Melbostad/Dockendorff) Moved, seconded and passed: That the Commission place the proposed measure on the ballot as amended.**

**IV. Public comment on matters appearing or not appearing on the agenda that are within the jurisdiction of the Ethics Commission.**

There was no further public comment.

#### V. Adjournment

The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

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Shaista Shaikh  
Campaign Finance Auditor

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY



LOUISE H. RENNE  
City Attorney

JULIA A. MOLL  
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MEMORANDUM

TO: ISABELLA GRANT  
ROBERT DOCKENDORFF  
CAROL KINGSLEY  
PAUL MELBOSTAD  
HENRI NORRIS  
Members, Ethics Commission

GINNY VIDA  
Executive Director, Ethics Commission

FROM: JULIE MOLL *JM*  
Deputy City Attorney

DATE: June 21, 2000

RE: Revisions to the Public Financing Proposal

At the Ethics Commission meeting on June 12, 2000, the Commission voted to modify its proposed ballot measure. Attached is a revised draft of the measure, which would:

- 1) provide for pro rata distribution of funds if insufficient funds are appropriated for the public financing program (Sections 1.144(e) and 1.154(b), pp. 23, 28.);
- 2) reduce the limit on contributions to each committee from \$2,500 to \$500 (Section 1.114(c), pp. 8-9);
- 3) change the overall limit on contributions to candidates and committees from \$12,500 to \$500 multiplied by the number of City elective offices to be voted on during the calendar year. For purposes of this limit, the Board of Supervisors shall be deemed to consist of eleven separate City elective offices (Section 1.114(d), pp. 8-9);
- 4) require that committee treasurers obtain information about the contributor, including the contributor's full name, address, occupation, and employer, prior to depositing the contribution (Section 1.114(e), p. 9);
- 5) delete the document retention periods specified in Section 1.112;
- 6) substitute the word "appropriation" for "cost" in Section 1.138(d) (p.19); and
- 7) authorize the Board of Supervisors to amend the CFRO if:
  - (a) The amendments further the purposes of the ordinance;



CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

## Memorandum

TO: Members,  
San Francisco Ethics Commission

DATE: June 21, 2000

PAGE: 2

RE: Revisions to the Public Financing Proposal

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- (b) the Ethics Commission approves the proposed amendments in advance by at least a four-fifths vote of all its members;
- (c) the proposed amendments are available for public review at least 30 days before the amendments are considered by the Board of Supervisors or any committee of the Board of Supervisors; and
- (d) the Board of Supervisors approves the proposed amendments by at least a two-thirds vote of all its members (Section 1.112, p. 7).

As indicated above, the previous draft did not provide for pro rata distribution of funds. If the City appropriated insufficient funds to the Election Campaign Fund ("the Fund"), the public financing program would not operate. The previous draft specified that, *no later than June 1* of an election year, the Ethics Commission must determine whether there is sufficient money in the Fund. This early deadline was established so candidates would know *in advance of the application deadline* whether the public financing program would be operational. The revised draft states that if the amount in the Fund is insufficient, the Commission shall distribute the money in the Fund on a pro rata basis to all candidates who are certified as eligible to receive public funds. The revised draft would require the Ethics Commission to determine, *no later than 15 days after the deadline for filing nomination papers*, whether money in the Fund is sufficient. This later deadline is intended to give the Ethics Commission the opportunity to consider, when determining whether the appropriated funds are sufficient, the number of candidates who actually apply and qualify for public funds.

In addition to the changes enumerated above, the Commission asked the staff to consider language submitted by Bob Stern concerning regulation of issue advocacy (a copy of which is attached), and possible expansion of the proposed private right of action. These issues will be addressed separately by the Commission staff, and are not included in this draft.

We look forward to discussing this with you, and making any additional changes you deem appropriate.

FILE NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

1 [The Fair Elections Ordinance]

2 AMENDING THE SAN FRANCISCO CAMPAIGN AND GOVERNMENTAL CONDUCT CODE,  
3 ARTICLE 1, CHAPTER 1, TO ESTABLISH NEW CONTRIBUTION LIMITS AND PROVIDE  
4 PUBLIC FINANCING FOR SUPERVISORIAL ELECTION CAMPAIGNS.

5  
6 Note: Additions are underlined. Deletions are in ~~striketrough~~ text.

7 Be it ordained by the People of the City and County of San Francisco:

8  
9 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby  
10 amended by amending Article 1, Chapter 1 to read as follows:

11  
12 **CHAPTER I: CAMPAIGN FINANCE**

13  
14 **SEC. 1.100. PURPOSE AND INTENT.** (a) Huge sums of moneys often are  
15 necessary to finance American election campaigns. Inherent to the high cost of election  
16 campaigning is the problem of improper influence, real or potential, exercised by campaign  
17 contributors over elected officials. In addition, this fundraising distracts public officials seeking  
18 reelection from focusing upon important public matters, encourages contributions which may  
19 have a corrupting influence, and gives incumbents an unfair fundraising advantage over  
20 potential challengers. These developments undermine the integrity of the governmental  
21 process, the competitiveness of campaigns and public confidence in local officials.

22 (b) It is the purpose and intent of the People ~~Board of Supervisors~~ of the City and  
23 County of San Francisco in enacting this Chapter to (1) place realistic and enforceable limits  
24 on the amount individuals may contribute to political campaigns in municipal elections and to  
25 provide full and fair enforcement of all the provisions in this Chapter; (2) ensure that all

1 individuals and interest groups in our city have a fair opportunity to participate in elective and  
 2 governmental processes; (3) create an incentive to limit overall expenditures in campaigns,  
 3 thereby reducing the pressure on candidates to raise large campaign war chests for defensive  
 4 purposes beyond the amount necessary to communicate reasonably with voters; (4) reduce  
 5 the advantage of incumbents and thus encourage competition for elective office; (5) allow  
 6 candidates and officeholders to spend a smaller proportion of their time on fundraising and a  
 7 greater proportion of their time dealing with issues of importance to their constituents'  
 8 community; (6) ensure that serious candidates are able to raise enough money to  
 9 communicate their views and positions adequately to the public, thereby promoting public  
 10 discussion of the important issues involved in political campaigns; (7) limit contributions to  
 11 candidates and committees, including committees that make independent expenditures, to  
 12 eliminate or reduce the appearance or reality that large contributors may exert undue  
 13 influence over elected officials; and (8) help restore public trust in governmental and electoral  
 14 institutions.

15 (c) This Chapter is enacted in accordance with the terms of Sections 5 and 7 of  
 16 Article XI of the Constitution of the State of California and Section 1.101 of the Charter of the  
 17 City and County of San Francisco.

18  
 19 **SEC. 1.102. CITATION.** This Chapter may be cited as the San Francisco Campaign  
 20 Finance Reform Ordinance.

21  
 22 **SEC. 1.104. DEFINITIONS.** Whenever in this Chapter the following words or phrases  
 23 are used, they shall mean:

24 (a) "Candidate" shall mean any individual listed on the ballot for election to any City  
 25 and County elective office or who otherwise has taken affirmative action to seek nomination or

1 election to such office. The term "candidate" shall also mean the candidate's campaign  
2 committee.

3 (b) "Charitable organization" shall mean an entity exempt from taxation pursuant to  
4 Title 26, Section 501 of the United State Code.

5 (c) "City elective office" shall mean the offices of Mayor, Member of the Board of  
6 Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender,  
7 Member of the Board of Education of the San Francisco Unified School District and Member  
8 of the Governing Board of the San Francisco Community College District.

9 (d) ~~(e)~~ "Committee" shall mean any person acting, or any combination of two or more  
10 persons acting jointly, in behalf of or in opposition to a candidate or to the qualification for the  
11 ballot or adoption of one or more measures.

12 (e) ~~(d)~~ "Contribution" shall be defined as set forth in Government Code of the State of  
13 California (commencing at Section 81000); provided, however, that "contribution" shall include  
14 loans of any kind or nature.

15 (f) ~~(e)~~ "Election" shall mean any primary, general or runoff municipal election held in  
16 the City and County of San Francisco for City elective office. With respect to the offices of  
17 Public Defender and Assessor, primary and general elections are separate elections for  
18 purposes of this ordinance. The primary election period for these offices shall extend from  
19 January 1 of the first year of an election cycle up to and including the date of the primary  
20 election, and the general election period for these offices shall extend from the day following  
21 the primary election up to and including December 31 of the fourth year of the election cycle.  
22 With respect to the offices of Mayor, City Attorney, District Attorney, Sheriff, Treasurer and  
23 Supervisor, general and runoff elections are separate elections for the purposes of this  
24 ordinance. The general election period shall extend from January 1 of the first year of an  
25 election cycle up to and including the date of the general election, and the runoff election

1 period shall extend from the date of the general election up to and including December 31 of  
 2 the fourth year of the election cycle.

3 (g) "Election cycle" shall mean a four-year period preceding a term of office as  
 4 defined by the San Francisco Charter, beginning on January 1, and ending on December 31  
 5 of the fourth year thereafter.

6 (h) (f) "Enforcement authority" shall mean the District Attorney of the City and  
 7 County of San Francisco for criminal enforcement and the City Attorney for civil enforcement.  
 8 Nothing in this Chapter shall be construed as limiting the authority of any law enforcement  
 9 agency or prosecuting attorney to enforce the provisions of this Chapter under any  
 10 circumstances where such law enforcement agency or prosecuting attorney otherwise has  
 11 lawful authority to do so.

12 (i) "Ethics Commission" shall mean the San Francisco Ethics Commission.

13 (j) "Executive Director" shall mean the Executive Director of the Ethics  
 14 Commission, or the Executive Director's designee.

15 (k) "Matching contribution" shall mean a contribution, other than a qualifying  
 16 contribution, that is made by an individual who is a resident of San Francisco and that  
 17 complies with all requirements of this Chapter.

18 (l) (g) "Measure" shall mean any City referendum, recall or ballot proposition, whether  
 19 or not it qualifies for the ballot. any City and County Charter amendment or other election,  
 20 whether by initiative, referendum or recall procedure or otherwise, or circulated for purposes  
 21 of submission to a popular vote at any election, whether or not the proposition qualifies for the  
 22 ballot.

23 (m) (h) "Person" shall mean any individual, partnership, corporation, association, firm,  
 24 committee, club or other organization or group of persons, however organized.

25 (i) "Controlled Committee" shall mean a controlled committee, as defined in



1 ~~California Government Code Section 82106, of an elected City and County officer or~~  
 2 ~~candidate for such office, that is primarily formed or exists to support or oppose one or more~~  
 3 ~~proposed City and County charter amendments, ordinances, bond measures, resolutions,~~  
 4 ~~referendums or declarations of policy that have qualified for submission to the electorate, or~~  
 5 ~~regarding which a notice of intention to circulate a petition has been filed with the Registrar of~~  
 6 ~~Voters, or regarding which a motion has been introduced at the Board of Supervisors to have~~  
 7 ~~such a proposed measure submitted to the voters.~~

8 (j) ~~"City elective office" shall include and be limited to the offices of Mayor, Member~~  
 9 ~~of the Board of Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor,~~  
 10 ~~Public Defender, Member of the Board of Education of the San Francisco Unified School~~  
 11 ~~District and Member of the Governing Board of the San Francisco Community College Dist. G.~~

12 (k) ~~"Election cycle" shall mean a four-year period preceding a term of office as~~  
 13 ~~defined by the San Francisco Charter, beginning on January 1, and ending on December 31~~  
 14 ~~of the fourth year thereafter.~~

15 (n) (f) ~~"Qualified campaign expenditure" for candidates shall mean includes all of the~~  
 16 ~~following:~~

17 (1) Any expenditure made by a candidate, or a committee controlled by the  
 18 candidate, for the purpose of influencing or attempting to influence the actions of the voters for  
 19 the election of the candidate to City elective office. ~~Any expenditure made by a candidate,~~  
 20 ~~officeholder or committee controlled by the candidate or officeholder, for the purpose of~~  
 21 ~~influencing or attempting to influence the actions of the voters for or against the election of~~  
 22 ~~any candidate for City elective office;~~

23 (2) ~~A nonmonetary contribution provided to the candidate, officeholder or committee~~  
 24 ~~controlled by the candidate or officeholder;~~

25 (3) The total cost actually paid or incurred by the candidate or controlled committee



1 of the candidate for a slate mailing or other campaign literature produced or authorized by  
 2 more than one candidate. That portion of the total cost of a slate mailing or mailing of other  
 3 campaign literature produced or authorized by more than one candidate which is the cost  
 4 actually paid or incurred by the committee or controlled committee of the candidate.

5 (4) "Qualified campaign expenditure" shall not include expenses incurred in  
 6 connection with an administrative or judicial proceeding, payments for administrative, civil or  
 7 criminal fines, including late filing fines, or for inaugural activities or officeholder expenses.

8 (o) "Qualifying contribution" shall mean a contribution of not less than \$10 and not  
 9 more than \$100 that is made by written instrument by an individual who is a resident of San  
 10 Francisco and that complies with all requirements of this Chapter.

11 (p) "Surplus funds" shall mean unexpended funds held by a candidate after the date  
 12 on which the candidate was either elected or not elected to City elective office.

13  
 14 **SEC. 1.106. ADOPTION OF GENERAL LAW — EXCEPTIONS.** Except as otherwise  
 15 provided in this Chapter, the provisions of Title 9 of Government Code of the State of  
 16 California (commencing at Section 81000), including the penal provisions thereof, shall be  
 17 applicable to any election held in the City and County of San Francisco.

18  
 19 **SEC. 1.108. CAMPAIGN CONTRIBUTION TRUST ACCOUNT — ESTABLISHMENT.**  
 20 Each committee campaign treasurer shall establish a campaign contribution trust account for  
 21 the candidate or committee at an office of a bank located in the City and County of San  
 22 Francisco, the account number and branch identification of which shall be filed with the Ethics  
 23 Commission within 10 days of the establishment thereof. All of the expenditures by the  
 24 candidate or committee for the City elective office sought shall be made from that account.

1           **SEC. 1.110. CAMPAIGN STATEMENTS — PUBLIC INSPECTION AND**  
2 **COPYMAKING.** Campaign statements are to be open for public inspection and reproduction  
3 at the office of the Ethics Commission during regular business hours and from 10:00 a.m. to  
4 5:00 p.m. on the Saturday preceding an election.

5  
6           **SEC. 1.112. AMENDMENT OR REPEAL OF CHAPTER.** The voters may amend or  
7 repeal this Chapter. The Board of Supervisors may amend this Chapter if all of the  
8 following conditions are met:

9           (a) The amendment furthers the purposes of this Chapter;

10           (b) the Ethics Commission approves the proposed amendment in advance by  
11 at least a four-fifths vote of all its members;

12           (c) the proposed amendment is available for public review at least 30 days  
13 before the amendment is considered by the Board of Supervisors or any committee of  
14 the Board of Supervisors; and

15           (d) the Board of Supervisors approves the proposed amendment by at least a  
16 two-thirds vote of all its members.

17 ~~**CAMPAIGN STATEMENTS — RETENTION.** Every campaign statement required to be filed~~  
18 ~~in accordance with Section 1.106 shall be preserved by the Ethics Commission for at least~~  
19 ~~four years from the date upon which it was required to be filed under the terms of this~~  
20 ~~Chapter.~~

21  
22           **SEC. 1.114. CONTRIBUTION LIMITS. CAMPAIGN CONTRIBUTIONS —**  
23 **LIMITATIONS.** ~~(a) No person other than a candidate shall make, and no campaign treasurer~~  
24 ~~shall solicit or accept, any contribution which will cause the total amount contributed by such~~  
25 ~~person with respect to a single election in support of or opposition to such candidate, including~~

1 ~~contributions to political committees supporting or opposing such candidate, to exceed \$150.~~

2 (a) (b) LIMITS ON CONTRIBUTIONS TO CANDIDATES – PRIMARY AND GENERAL  
 3 ELECTIONS. ~~For candidates who adopt the expenditure ceilings as defined in Section 1.128~~  
 4 ~~of this Chapter, a~~ No person other than a candidate shall make, and no candidate campaign  
 5 treasurer shall solicit or accept, any contribution which will cause the total amount contributed  
 6 by such person to with respect to a single election in support of or opposition to such  
 7 candidate, including contributions to political committees supporting or opposing such  
 8 candidate, to exceed \$500. With respect to the offices of Public Defender and Assessor, the  
 9 limit imposed by this subsection applies to the primary election only. With respect to all other  
 10 City elective offices, the limit imposed by this subsection applies to the general election only.

11 (b) LIMITS ON CONTRIBUTIONS TO CANDIDATES – RUN-OFF ELECTIONS. ~~No~~  
 12 person other than a candidate shall make, and no candidate shall solicit or accept, any  
 13 contribution which will cause the total amount contributed by such person to such candidate  
 14 for a run-off election to exceed \$250. The amount a person may contribute to a candidate in  
 15 connection with a run-off election shall be controlled solely by the limits imposed by this  
 16 subsection without regard to the amount said person contributed to the candidate in the  
 17 general election. With respect to the offices of Public Defender and Assessor, the limit  
 18 imposed by this subsection applies to the general election only. With respect to all other City  
 19 elective offices, the limit imposed by this subsection applies to the run-off election only.

20 (c) LIMITS ON CONTRIBUTIONS TO COMMITTEES. ~~No person shall make, and~~  
 21 no committee treasurer shall solicit or accept, any contribution which will cause the total  
 22 amount contributed by such person to the committee to exceed \$500 per calendar year. For  
 23 purposes of this subsection, "committee" shall mean any person acting, or any combination of  
 24 two or more persons acting jointly, in support of or in opposition to a candidate.

25 (d) OVERALL LIMIT ON CONTRIBUTIONS TO CANDIDATES AND

1 COMMITTEES. No person shall make any contribution which will cause the total  
 2 amount contributed by such person to all candidates and committees in a calendar  
 3 year to exceed \$500 multiplied by the number of City elective offices to be voted on  
 4 during that calendar year. For purposes of this subsection, "committee" shall mean any  
 5 person acting, or any combination of two or more persons acting jointly, in support of or in  
 6 opposition to a candidate. For purposes of this subsection, the Board of Supervisors  
 7 shall be deemed to consist of eleven separate City elective offices.

8 (e) CONTRIBUTOR INFORMATION REQUIRED. If the cumulative amount of  
 9 contributions received from a contributor is \$100 or more, the committee treasurer  
 10 shall not deposit the contribution unless the committee treasurer has the following  
 11 information: the contributor's full name; the contributor's address; the contributor's  
 12 occupation; and the name of the contributor's employer or, if the contributor is self-  
 13 employed, the name of the contributor's business.

14 (f) (e) FORFEITURE OF EXCESSIVE CONTRIBUTIONS. Each committee  
 15 campaign treasurer who receives a contribution which exceeds the limits imposed by this  
 16 Section or which does not comply with the requirements of this Section shall pay promptly,  
 17 from available campaign funds, if any, the amount received in excess of the amount permitted  
 18 by this Section to the City Treasurer for deposit in the General Fund of the City and County.

19 (g) (d) RETURN OF CONTRIBUTIONS. A contribution shall not be considered to be  
 20 received if it is not negotiated, deposited, or utilized, and in addition it is returned to the donor  
 21 within 72 hours of receipt. In the case of a late contribution as defined in Government Code  
 22 Section 82036, it shall not be deemed received if it is returned to the contributor within 48  
 23 hours of receipt.

24 (h) (e) FAIRNESS DOCTRINE. This Section shall not apply to any in-kind  
 25 contribution of television or radio airtime to any candidate or committee granted to said

1 candidate or committee pursuant to the "Fairness Doctrine" articulated in Cullman  
2 Broadcasting, 40 FCC 576 (1963).

3  
4 **~~SEC. 1.116. LIMITS ON CONTRIBUTIONS TO CONTROLLED COMMITTEES.~~**

5 ~~(a) No person other than a candidate or elected City and County officer shall make,~~  
6 ~~and no controlled committee treasurer shall solicit or accept, any contribution which will cause~~  
7 ~~the total amount contributed by such person to a controlled committee of the candidate or~~  
8 ~~elected City and County officer to exceed \$500.~~

9 ~~(b) If any person is found guilty of violating the terms of this Section, each controlled~~  
10 ~~committee treasurer who received part or all of the contribution or contributions which~~  
11 ~~constitute the violation shall pay promptly, from available campaign funds, if any, the amount~~  
12 ~~received from such person in excess of the amount permitted by this Section to the City and~~  
13 ~~County Treasurer for deposit in the General Fund of the City and County.~~

14 ~~(c) This Section shall not apply to any in-kind contribution of radio or television~~  
15 ~~airtime to any controlled committee granted to said candidate or committee pursuant to the~~  
16 ~~"Fairness Doctrine."~~

17  
18 **~~SEC. 1.118. RUN-OFF ELECTIONS. MUNICIPAL RUN-OFF ELECTION.~~** All

19 provisions of this Chapter, unless specified otherwise herein, shall be applicable in any  
20 municipal run-off for any City and County office. In addition, the following provisions shall be  
21 applicable in any such municipal run-off election:

22 ~~(a) No person other than a candidate shall make, and no campaign treasurer shall~~  
23 ~~solicit or accept, any contribution which will cause the total amount contributed by such~~  
24 ~~person in the municipal run-off election in support of or opposition to such candidate, including~~  
25 ~~contributions to political committee supporting or opposing such candidate, to exceed \$100.~~



~~(b) For candidates who adopt the expenditure ceilings as defined in Section 1.128 of this Chapter, no person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person in the municipal run-off election in support of or opposition to such candidate, including contributions to political committee supporting or opposing such candidate, to exceed \$250.~~

~~(c) — Each campaign treasurer who receives a contribution which exceeds the limit imposed by this Section shall pay promptly, from available campaign funds, if any, the amount received in excess of the amount permitted by this Section to the City Treasurer for deposit in the General Fund of the City and County.~~

~~(a) (d) TIME LIMITATION ON ACCEPTANCE OF CONTRIBUTIONS. No person shall make, and no campaign treasurer shall solicit or accept, any contribution in connection with a run-off election for a City elective office until the day following the date of the general election for that office.~~

~~(e) The amount a person may contribute in support of or opposition to a candidate in connection with a run-off election shall be controlled solely by the limits imposed by this Section without regard to the amount said person contributed in support of or opposition to the candidate in the general election.~~

~~(b) (f) USE OF UNEXPENDED FUNDS. Any candidate who qualifies for a run-off election may utilize unexpended campaign funds from the general election campaign for the run-off election, provided that the applicable expenditure ceilings shall continue to apply.~~

~~(g) — A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized, and in addition it is returned to the donor within 72 hours of receipt. In the case of a late contribution as defined in Government Code Section 82036, it shall not be deemed received if it is returned to the contributor within 48 hours of receipt.~~



1           **SEC. 1.120. CONTRIBUTION LIMITS - POST-ELECTION LEGAL PROCEEDINGS.**

2       All provisions of this Chapter, unless specified otherwise herein, shall be applicable in any  
3       post-election recounts, election contests or other proceedings held pursuant to law. In  
4       addition, the following provisions shall be applicable in any such post-election legal  
5       proceedings:

6           (a)   No person other than a candidate shall make, and no campaign treasurer shall  
7       solicit or accept, any contribution which will cause the total amount contributed by such  
8       person in post-election legal proceedings to any candidate ~~in support of or opposition to~~  
9       ~~candidates, including contributions to political committees supporting or opposing such~~  
10      ~~candidate,~~ to exceed, in addition to the contribution limit contained in Sections 1.114 and  
11      1.118, \$100.

12          (b)   Notwithstanding any other provision of this Chapter to the contrary, for the  
13      purposes of conducting post-election recounts, election contests or other proceedings held  
14      pursuant to law, the delivery of in-kind legal services by lawyers in support of or in opposition  
15      to candidates, including in-kind contributions to political committees supporting or opposing  
16      candidates, shall not be subject to any contribution limitations set forth in this Chapter.

17          (c)   If any person is found guilty of violating the terms of this Section, each campaign  
18      treasurer who received part or all of the contribution or contributions which constitute the  
19      violation shall pay promptly, from available campaign funds, if any, the amount received from  
20      such person in excess of the amount permitted by this Section to the City and County  
21      Treasurer for deposit in the General Fund of the City and County.

22  
23           **SEC. 1.122. SOLICITATION OR ACCEPTANCE OF CAMPAIGN CONTRIBUTIONS**

24      — **LIMITATIONS.** No intended candidate for any public office of the City and County, and no  
25      committee acting on behalf of a candidate, shall solicit or accept, or cause to be solicited or

1 accepted, any contribution unless and until said candidate shall have filed a declaration of  
2 intention to become a candidate for a specific City and County office with the Department of  
3 Elections on a form to be prescribed by the Director of Elections; provided, however, that in  
4 any election in which members of the Board of Supervisors are elected by votes cast in a  
5 district, the office of a member of the Board of Supervisors shall be deemed to be a specific  
6 office of the City and County.

7 No person shall file a declaration of intention to become a candidate for more than one  
8 elective office of said City and County. For the purposes of this Section a committee acting  
9 on behalf of a candidate need not be controlled by or acting under the authorization of the  
10 candidate.

11 Except as provided below, any contributions solicited or accepted under this Section  
12 shall be expended only on behalf of the candidacy for the office specified in said declaration of  
13 intention to become a candidate. Contributions solicited or accepted under this Section for  
14 one individual shall not be expended for the candidacy of any other individual or in support of  
15 or opposition to any measure. If an individual ceases to be a candidate or fails to qualify  
16 under the provisions of the Charter for an office for which contributions have been solicited or  
17 accepted, then all unexpended contributions shall be returned on a pro rata basis to those  
18 persons who have made said contributions or donated to the General Fund of the City and  
19 County of San Francisco.

20 Unexpended contributions held by a candidate or committee after the date of the  
21 election in which said candidate or measure appeared on the ballot may be returned on a pro  
22 rata basis to those persons who have made said contributions, donated to a charitable  
23 organization, donated to the General Fund of the City and County of San Francisco, or as  
24 contributions to a candidate or a committee acting on behalf of a candidate, transferred to any  
25 legally constituted committee established by or on behalf of the candidate, pursuant to the

provisions of Government Code of the State of California (commencing at Section 81000).

**SEC. 1.124. PERSONS PROHIBITED FROM MAKING CONTRIBUTIONS IN THE NAME OF ANOTHER.** (a) No contribution of \$100 or more other than an in-kind contribution shall be made unless by written instrument containing the name of the donor and the name of the payee.

(b) No contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes.

(c) Any candidate who receives a contribution made in violation of this Section shall pay promptly, from available campaign funds, the amount of the contribution to the City Treasurer for deposit in the General Fund of the City and County.

**SEC. 1.126. CONTRIBUTION LIMITS - CONTRACTORS DOING BUSINESS WITH THE CITY PROHIBITED FROM MAKING CONTRIBUTIONS.** No person who contracts with the City and County of San Francisco, for the rendition of personal services, for the furnishing of any material, supplies or equipment to the City, or for selling or leasing any land or building to or from the City, whenever such transaction would require approval by a City elective officer, or the board on which that City elective officer serves, shall make any contribution to such an officer, or candidate for such an office, or committee controlled by such officer or candidate at any time between commencement of negotiations and either the completion of, or the termination of, negotiations for such contract.

**SEC. 1.128. EXPENDITURE CEILINGS.** All candidates for City elective office who adopt campaign expenditure ceilings as defined below ~~are permitted the higher contribution limits as defined in Sections 1.114(b) and 1.118(b). Before accepting any contributions at the~~

1 ~~higher contribution limits, candidates who adopt voluntary expenditure ceilings must first file a~~  
 2 statement with the Department of Elections indicating acceptance of the expenditure ceiling.  
 3 Said statement shall be filed no later than the deadline for filing nomination papers with the  
 4 Department of Elections, and once filed may not be withdrawn. This statement is a public  
 5 document.

6  
 7 **SEC. 1.130. AMOUNT OF EXPENDITURE CEILINGS.** (a) In primary elections, any  
 8 candidate for Assessor or Public Defender who agrees to expenditure ceilings shall not make  
 9 total qualified campaign expenditures exceeding \$175,000. In general elections, any  
 10 candidate for Assessor or Public Defender who agrees to expenditure limits shall not make  
 11 total qualified campaign expenditures exceeding \$100,000.

12 (b) In general elections, any candidate for Mayor who agrees to expenditure ceilings  
 13 shall not make total qualified campaign expenditures exceeding \$600,000. In run-off  
 14 elections, any candidate for Mayor who agrees to expenditure limits shall not make total  
 15 qualified campaign expenditures exceeding \$400,000.

16 (c) In general elections, any candidate for City Attorney, District Attorney, Treasurer  
 17 or Sheriff who agrees to expenditure ceilings shall not make total qualified campaign  
 18 expenditures exceeding \$175,000. In run-off elections, any candidate for City Attorney,  
 19 District Attorney, Treasurer or Sheriff who agrees to expenditure limits shall not make total  
 20 qualified campaign expenditures exceeding \$100,000.

21 (d) In general elections, any candidate for the Board of Supervisors who agrees to  
 22 expenditure ceilings shall not make total qualified campaign expenditures exceeding \$75,000.  
 23 In run-off elections, any candidate for the Board of Supervisors who agrees to expenditure  
 24 limits shall not make total qualified campaign expenditures exceeding \$20,000.

25 (e) Any candidate for the Board of Education of the San Francisco Unified School

1 District or the Governing Board of the San Francisco Community College District who agrees  
2 to expenditure ceilings shall not make total qualified campaign expenditures exceeding  
3 \$75,000.

4 (f) The Ethics Commission is authorized to adjust annually the expenditure ceilings  
5 imposed by this Section to reflect the change in the California Consumer Price Index for that  
6 year.

7  
8 **SEC. 1.132. TIME PERIODS FOR EXPENDITURES.** (a) For purposes of the  
9 expenditure ceilings for the offices of Assessor and Public Defender, qualified campaign  
10 expenditures made at any time on or before the date of the primary shall be considered  
11 primary election expenditures, and qualified expenditures made after date of the primary  
12 election shall be considered general election expenditures. However, in the event that  
13 payments are made but the goods or services are not used during the period purchased, the  
14 payments shall be considered qualified campaign expenditures for the time period in which  
15 they are used. Payments for goods or services used during both time periods shall be  
16 prorated.

17 (b) For purposes of the expenditure ceilings for the offices of City Attorney, District  
18 Attorney, Treasurer, Sheriff and Supervisor, qualified campaign expenditures made at any  
19 time before the general election shall be considered general election expenditures, and  
20 qualified expenditures made after the general election shall be considered run-off election  
21 expenditures. However, in the event that payments are made but the goods or services are  
22 not used during the period purchased, the payments shall be considered qualified campaign  
23 expenditures for the time period in which they are used. Payments for goods or services used  
24 during both time periods shall be prorated.

1           **SEC. 1.134 EXPENDITURE CEILINGS LIFTED – OFFICES OTHER THAN**

2   **SUPERVISOR.** (a) If a candidate declines to accept expenditure ceilings and receives  
 3   contributions or makes qualified campaign expenditures in excess of 100 50 percent of the  
 4   applicable expenditure ceiling, or if an independent expenditure committee or committees in  
 5   the aggregate spend in support of or in opposition to a candidate more than 25 percent of the  
 6   applicable expenditure ceiling, the applicable expenditure limit shall no longer be binding on  
 7   any candidate seeking election to the same office, ~~and any candidate running for the same~~  
 8   ~~office who accepted expenditure limits shall be permitted to continue to receive contributions~~  
 9   ~~at the amount set for such candidates in Section 1.114(b) or 1.118(b).~~

10           (b) Any candidate who declines to adopt the voluntary expenditure ceiling and who  
 11   receives contributions, makes expenditures or has funds in his campaign trust account that  
 12   exceed 100 50 percent of the applicable expenditure ceiling shall, within 24 hours of  
 13   exceeding 100 50 percent of the applicable expenditure ceiling, file a statement with the  
 14   Ethics Commission, on forms to be provided by the Ethics Commission, stating that fact and  
 15   any additional information required by the Ethics Commission. Within 24 hours after receiving  
 16   such notice, the Ethics Commission shall inform every other candidate for that office by  
 17   registered mail, return receipt requested, that the campaign ceiling has been lifted.

18           (c) Any independent expenditure committee that spends in support of or in  
 19   opposition to a candidate more than 25 percent of the applicable expenditure ceiling shall,  
 20   within 24 hours of reaching this threshold, file a statement with the Ethics Commission, on  
 21   forms to be provided by the Ethics Commission, stating that fact and any additional  
 22   information required by the Ethics Commission. Thereafter, any such committee shall file a  
 23   supplemental statement with the Ethics Commission each time the independent expenditure  
 24   committee spends in support of or in opposition to such candidate an additional 5 five percent  
 25   of the applicable expenditure ceiling. The supplemental statements shall be filed within 24



hours of reaching these spending thresholds.

**SEC. 1.136. PUBLIC FINANCING OF ELECTION CAMPAIGNS.** Candidates for the Board of Supervisors who are certified by the Ethics Commission as eligible to receive public financing of their election campaigns, and who comply with the conditions and restrictions specified in Section 1.140 of this Chapter, may receive public funds as provided in this Chapter to defray the costs of their election campaigns.

**SEC. 1.138. ELECTION CAMPAIGN FUND; APPROPRIATION OF FUNDS.**  
(a) **ESTABLISHMENT OF ELECTION CAMPAIGN FUND.** There is hereby established a special fund of the City and County of San Francisco called the Election Campaign Fund. All money deposited in the Fund is hereby appropriated for use as specified in this Chapter and the implementing regulations.

(b) **APPROPRIATION TO ELECTION CAMPAIGN FUND.** Each fiscal year the City and County of San Francisco shall appropriate to the Election Campaign Fund an amount sufficient to provide funding for election campaigns as authorized by this Chapter for all candidates for the Board of Supervisors who may be eligible to receive such funds. The Ethics Commission shall assist the Mayor and Board of Supervisors in estimating the amount required. If at any time the amount appropriated is insufficient to fund all eligible candidates, the Ethics Commission shall notify the Mayor and Board of Supervisors, and the City and County shall appropriate additional funds. The Ethics Commission shall assist the Mayor and Board of Supervisors in estimating any additional funds required.

(c) **APPROPRIATION TO ETHICS COMMISSION.** Each fiscal year the City and County of San Francisco shall appropriate to the Ethics Commission an amount sufficient to pay for the costs of administration of this Chapter. This appropriation shall be in addition to

1 and separate from the regular annual appropriation made to the Ethics Commission. The  
2 Ethics Commission shall assist the Mayor and Board of Supervisors in estimating the amount  
3 required.

4 (d) LIMITATION ON EXPENDITURE OF FUNDS. The annual appropriation to  
5 this public financing program, including the cost of administration, shall not exceed \$2.00 per  
6 resident of the City and County of San Francisco. At the request of the Ethics Commission,  
7 the Controller shall estimate the number of residents of the City and County of San Francisco  
8 for purposes of this subsection.

9  
10 **SEC. 1.140. ELIGIBILITY TO RECEIVE PUBLIC FINANCING.**

11 (a) REQUIREMENTS. To be eligible to receive public financing of campaign  
12 expenses under this Chapter, a candidate must:

13 (1) be seeking election to the Board of Supervisors and be eligible to hold the office  
14 sought;

15 (2) have received at least \$7,500 in qualifying contributions from at least 75  
16 contributors. Candidates who are attempting to qualify for public financing are permitted to  
17 solicit contributions up to the limits imposed by Section 1.114(a) of this Chapter, but only the  
18 first \$100 will be counted as a qualifying contribution;

19 (3) be opposed by another candidate who has either established eligibility to receive  
20 public financing, or received contributions or made expenditures which in the aggregate equal  
21 or exceed \$7,500;

22 (4) agree to the following conditions:

23 (A) the candidate bears the burden of proving that each contribution the candidate  
24 relies upon to establish eligibility is a qualifying contribution;

1 (B) the candidate bears the burden of proving that expenditures made with public  
2 funds provided under this Chapter comply with Section 1.148 of this Chapter;

3 (C) the candidate shall limit loans and contributions of personal funds to the  
4 candidate's campaign to a total of \$10,000 per election,

5 (D) the candidate shall not make qualified campaign expenditures which in the  
6 aggregate exceed the expenditure limits specified in Section 1.130 of this Chapter, except as  
7 provided in Section 1.146 of this Chapter; and

8 (E) the candidate shall agree to participate in at least one debate with the  
9 candidate's opponents.

10 (b) ADJUSTMENT OF EXPENDITURE LIMITS AND THRESHOLDS. Whenever the  
11 Ethics Commission pursuant to Section 1.130(f) adjusts the voluntary expenditure ceilings to  
12 reflect changes in the California Consumer Price Index, the Commission is authorized to  
13 adjust the threshold limits in subsections (a)(2) and (a)(3) and (a)(4)(C) of this Section and  
14 Section 1.152 to also reflect changes in the California Consumer Price Index.

15  
16 **SEC. 1.142. PROCESS FOR ESTABLISHING ELIGIBILITY; CERTIFICATION BY**  
17 **THE ETHICS COMMISSION. (a) DECLARATION BY CANDIDATE.** To be eligible to receive  
18 public financing of campaign expenses under this Chapter, a candidate shall declare, under  
19 penalty of perjury, that the candidate satisfies the requirements specified in Section 1.140.  
20 Candidates shall submit the declaration and any supporting material required by the Ethics  
21 Commission to the Ethics Commission on or after June 1 of the election year, but no later  
22 than the deadline for filing nomination papers with the Director of Elections. Once the  
23 declaration and supporting material are submitted, they may not be amended. The  
24 declaration and supporting material may be withdrawn and refiled, provided that the refiling is  
25 made no later than the deadline for filing nomination papers.

1           **(b) DETERMINATION OF ELIGIBILITY.** The Executive Director of the Ethics  
2           Commission shall review the candidate's declaration and supporting material to determine  
3           whether the candidate is eligible to receive public funds under this Chapter. The Executive  
4           Director may audit the candidate's records, interview contributors and take whatever steps the  
5           Executive Director deems necessary to determine eligibility. At the request of the Executive  
6           Director, the Controller shall assist in this review process.

7           **(c) DETERMINATION OF OPPOSITION.** To determine whether a candidate is  
8           opposed as required under Section 1.140(a)(3) of this Chapter, the Executive Director shall  
9           review the material filed pursuant to Section 1.152(a) of this Chapter, and may review any  
10          other material.

11          **(d) CERTIFICATION.** If the Executive Director determines that a candidate has  
12          satisfied the requirements of Section 1.140, the Executive Director shall notify the candidate  
13          and certify to the Controller that the candidate is eligible to receive public financing under this  
14          Chapter. The Executive Director shall not certify that a candidate is eligible to receive public  
15          financing if the candidate's declaration or supporting material is incomplete or otherwise  
16          inadequate to establish eligibility. The Executive Director shall determine whether to certify a  
17          candidate no later than 30 days after the date the candidate submits his or her candidate  
18          declaration and supporting material.

19          **(e) RESUBMISSION.** If the Executive Director declines to certify that a candidate is  
20          eligible to receive public financing under this Chapter, the Executive Director shall notify the  
21          candidate. Notwithstanding Section 1.142(a) of this Chapter, the candidate may, within five  
22          business days of the date of notification, resubmit the declaration and supporting material. If  
23          the candidate does not timely resubmit, the Executive Director's determination is final.

24          If, after viewing resubmitted material, the Executive Director declines to certify that a  
25          candidate is eligible to receive public financing under this Chapter, the Executive Director

1 shall notify the candidate of this fact. Additional resubmissions may be permitted in the  
 2 Executive Director's discretion. If the candidate fails to resubmit in the time specified by the  
 3 Executive Director, or if no further resubmissions are permitted, the Executive Director's  
 4 determination is final.

5 (f) RECONSIDERATION. A candidate may request that the Executive Director  
 6 reconsider a final determination that the candidate is ineligible to receive public funds under  
 7 this Chapter. The candidate must request reconsideration in writing within five days of the  
 8 date of notification of ineligibility.

9 (g) APPEAL TO THE ETHICS COMMISSION. If, after reconsideration, the  
 10 Executive Director declines to certify that a candidate is eligible to receive public financing  
 11 under this Chapter, the candidate may appeal the Executive Director's final determination to  
 12 the Ethics Commission. The candidate must deliver the written appeal to the Ethics  
 13 Commission within five days of the date of notification of the Executive Director's  
 14 determination following reconsideration.

15  
 16 **SEC. 1.144. DISBURSEMENT OF PUBLIC FUNDS. (a) PAYMENT BY**  
 17 **CONTROLLER. Upon certifying that a candidate is eligible to receive public financing under**  
 18 **this Chapter, the Executive Director shall forward the certification to the Controller and the**  
 19 **Controller shall disburse payments to the candidate from the Election Campaign Fund in**  
 20 **accordance with the certification and this Section.**

21 (b) TIME OF PAYMENTS. The Controller shall not make any payments under this  
 22 Chapter until the day following the deadline for filing nomination papers with the Director of  
 23 Elections.

24 (c) PAYMENTS FOR GENERAL ELECTION EXPENSES. Upon certification of  
 25



1 eligibility, and in accordance with subsection (b) of this Section, the candidate shall receive a  
 2 payment of \$5,000 from the Election Campaign Fund. Thereafter, for each of the first \$5,000  
 3 dollars of matching contributions raised by the candidate the candidate shall receive four  
 4 dollars from the Election Campaign Fund. Thereafter, for each additional dollar of matching  
 5 contributions raised by the candidate the candidate shall receive one dollar from the Election  
 6 Campaign Fund. The maximum amount of public funds a candidate may receive to defray  
 7 general election expenses under this Chapter is \$43,750. The amount of public funds paid  
 8 under this Section shall not be affected by the lifting of expenditure limits under Section 1.146.

9 (d) PAYMENTS FOR RUN-OFF ELECTION EXPENSES. Each candidate who is  
 10 certified to receive public funds under this Chapter and who qualifies for a run-off election  
 11 shall receive a payment of \$5,000 from the Election Campaign Fund. Thereafter, for each  
 12 dollar of matching contributions raised by the candidate, the candidate shall receive four  
 13 dollars from the Election Campaign Fund. The maximum amount of public funds such  
 14 candidates may receive to defray run-off election expenses under this Chapter is \$17,000.  
 15 The amount of public funds paid under this Section shall not be affected by the lifting of  
 16 expenditure limits under Section 1.146.

17 (e) PRO RATION OF FUNDS. Notwithstanding subsections (c) and (d) of this  
 18 Section, if the Ethics Commission makes a final determination, pursuant to Section  
 19 1.154(b) of this Chapter, that funds in the Election Campaign Fund are insufficient, the  
 20 Commission shall distribute the money in the Fund on a pro rata basis to all candidates  
 21 who are certified as eligible to receive public funds.

22  
 23 (f) DEPOSIT IN CAMPAIGN CONTRIBUTION TRUST ACCOUNT. Candidates  
 24 must deposit all payments received from the Election Campaign Fund pursuant to this  
 25 Chapter in the candidate's Campaign Contribution Trust Account.



1        (g) TERMINATION OF PAYMENTS. The Controller shall terminate all payments to  
2 a candidate who is otherwise eligible to receive public financing if the candidate:

3        (1) withdraws or fails to qualify to have his or her name printed on the ballot for the  
4 election for which the candidate applied for public financing;

5        (2) fails to comply with the conditions specified in Section 1.140 of this Chapter; or

6        (3) fails to comply with any of the reporting requirements imposed by this Chapter or  
7 the Political Reform Act, California Government Code Section 81000, et seq.

8  
9        **SEC. 1.146. EXPENDITURE CEILINGS LIFTED – CANDIDATES FOR**  
10 **SUPERVISOR. (a) TRIGGER PROVISIONS.**

11        (1) Nonparticipating candidate. If a candidate who has not filed a declaration under  
12 Section 1.142 of this Chapter, or who has received notice under Section 1.142 that the  
13 candidate is ineligible to receive public funds, receives contributions or makes qualified  
14 campaign expenditures in excess of 100 percent of the applicable expenditure ceiling, the  
15 applicable expenditure ceiling shall no longer be binding on any candidate running in the  
16 same supervisorial district.

17        (2) Independent Expenditures. If a committee or committees in the aggregate make  
18 independent expenditures in support of or in opposition to a candidate in excess of 25 percent  
19 of the applicable expenditure ceiling, the applicable expenditure ceiling shall no longer be  
20 binding on any candidate running in the same supervisorial district as the candidate who was  
21 the subject of the independent expenditures that exceeded the ceiling.

22        (b) NOTIFICATION. Within 24 hours of receiving notice, pursuant to Section 1.152  
23 of this Chapter, that either of the trigger provisions in subsection (a) of this Section have been  
24 met, the Ethics Commission shall inform every candidate in the affected supervisorial district  
25 by certified mail that the expenditure ceilings have been lifted.

1  
2       SEC. 1.148. RESTRICTIONS ON USE OF PUBLIC FUNDS; SURPLUS FUNDS. (a)  
3       USE FOR QUALIFIED CAMPAIGN EXPENDITURES ONLY. Candidates who receive public  
4       financing may use the public funds solely to pay for qualified campaign expenditures, as  
5       defined by Section 1.104 of this Chapter, and to repay loans used to pay for qualified  
6       campaign expenditures. Candidates may not use public funds to pay for expenses incurred in  
7       connection with an administrative or judicial proceeding. Candidates may not use public  
8       funds to pay administrative, civil or criminal fines, including late filing fines, or to pay for  
9       inaugural activities or officeholder expenses.

10       (b) PURCHASE OF EQUIPMENT. Any equipment purchased by a candidate with  
11       public funds provided under this Chapter that has a useful life beyond the election campaign,  
12       for which the funds were provided, and a fair market value exceeding \$100, becomes City and  
13       County property on the day following the date the candidate is elected or not elected to office.

14       (c) WITHDRAWAL OR FAILURE TO QUALIFY. Any candidate who receives public  
15       financing but who withdraws or fails to qualify to have his or her name printed on the ballot in,  
16       the election for which the public funds were provided shall repay the Election Campaign Fund  
17       the full sum received from the Fund.

18       (d) SURPLUS FUNDS. Any candidate who receives public financing and who has  
19       surplus funds shall, no later than 30 days after the date the funds become surplus, deposit  
20       those funds in the Election Campaign Fund.

21  
22       SEC. 1.150. AUDIT; REPAYMENT. (a) AUDIT. The Ethics Commission shall audit  
23       all candidates who receive public financing under this Chapter. At the request of the  
24       Executive Director, the Controller shall assist in conducting these audits.  
25

1           (b) REPAYMENT. If the Ethics Commission determines that any portion of the  
 2 payments made to a candidate from the Election Campaign Fund exceeded the aggregate  
 3 amount of payments to which the candidate was entitled under this Chapter, the Commission  
 4 shall notify the Controller and the candidate. The candidate shall pay to the Controller an  
 5 amount equal to the amount of excess payments. In addition, if the Commission determines  
 6 that any amount of any payment made to a candidate from the Election Campaign Fund was  
 7 used for something other than qualified campaign expenditures, the candidate shall pay to the  
 8 Controller an amount equal to the improper expenditure. All payments received by the  
 9 Controller under this Section shall be deposited in the Election Campaign Fund.

10  
 11           **SEC. 1.152. SUPPLEMENTAL REPORTING.** In addition to the campaign disclosure  
 12 requirements imposed by the California Political Reform Act and other provisions of this  
 13 Chapter, the following disclosure requirements shall apply:

14           (a) REPORTING BY CANDIDATES WHO DO NOT RECEIVE PUBLIC FUNDS.

15           (1) GENERAL. No later than the deadline for filing nomination papers with the  
 16 Director of Elections, each candidate who has not filed a declaration under Section 1.142(a) of  
 17 this Chapter or who has received notice under Section 1.142 that the candidate is ineligible to  
 18 receive public funds under this Chapter shall file a statement with the Ethics Commission  
 19 indicating whether the nonparticipating candidate has received contributions, made  
 20 expenditures or has funds in his or her campaign trust account that in the aggregate equal or  
 21 exceed \$7,500. The statement shall also indicate whether the nonparticipating candidate  
 22 agrees to limit his or her qualified campaign expenditures to the expenditure ceilings as  
 23 provided in Section 1.128.

24           (2) AFTER DEADLINE. If the nonparticipating candidate first reaches or exceeds the  
 25 \$7,500 threshold in subsection (a)(1) of this Section after the deadline for filing nomination

1 papers, or receives notice of ineligibility to receive public funds after that date, the  
2 nonparticipating candidate shall, within 24 hours of reaching or exceeding the threshold or  
3 receiving notice of ineligibility, file a statement indicating this fact with the Ethics Commission.

4 (3) TRIGGER REPORTING. If the nonparticipating candidate receives contributions,  
5 makes expenditures or has funds in his or her campaign trust account that exceed 75 percent  
6 of the applicable expenditure ceiling, the nonparticipating candidate shall, within 24 hours of  
7 reaching that level, file a statement with the Ethics Commission, on forms to be provided by  
8 the Ethics Commission, stating that fact and any additional information required by the Ethics  
9 Commission. Thereafter, the nonparticipating candidate shall file a supplemental statement  
10 with the Ethics Commission within 24 hours of receiving contributions or making expenditures  
11 or having funds in his trust account that equal or exceed 100 percent of the applicable  
12 expenditure ceiling.

13 (b) SUPPLEMENTAL REPORTING BY COMMITTEES. (1) GENERAL. Except  
14 as provided in Section 81009.5(b) of the California Government Code, any committee that  
15 makes contributions or independent expenditures totaling \$500 or more in a calendar month  
16 during the six months immediately preceding an election, to support or oppose a candidate for  
17 City elective office at that election, shall disclose, prior to the date of the election, all  
18 contributions and loans received and all expenditures made. The Ethics Commission shall  
19 prescribe the form, content and filing deadlines for these statements. The Ethics Commission  
20 may require that these statements be filed electronically.

21 (2) TRIGGER REPORTING. Except as provided in Section 81009.5(b) of the  
22 California Government Code, any committee that makes independent expenditures in support  
23 of or in opposition to a candidate that equal or exceed five percent of the applicable  
24 expenditure ceiling shall, within 24 hours of reaching this threshold, file a statement with the  
25 Ethics Commission, on forms to be provided by the Ethics Commission, stating that fact and

1 any additional information required by the Ethics Commission. Thereafter, any such  
 2 committee shall file a supplemental statement with the Ethics Commission each time the  
 3 committee makes independent expenditures in support of or in opposition to the candidate  
 4 which equal or exceed an additional five percent of the applicable expenditure ceiling. The  
 5 supplemental statements shall be filed within 24 hours of reaching these spending thresholds.

6  
 7 **SEC. 1.154. INSUFFICIENT FUNDS IN ELECTION CAMPAIGN FUND.**

8 (a) REPORT BY CONTROLLER. At the request of the Ethics Commission, the  
 9 Controller shall provide a statement of the total amount of funds in the Election Campaign  
 10 Fund.

11 (b) FINAL DETERMINATION. No later than 15 days after the deadline for filing  
 12 nomination papers with the Department of Elections, the Ethics Commission shall make a  
 13 final determination whether the amount in the Election Campaign Fund is sufficient to fund all  
 14 candidates for the Board of Supervisors who may be eligible to receive public financing for  
 15 their election campaigns under this Chapter. If the Commission's final determination is  
 16 that the amount in the Fund is insufficient, the Commission shall distribute the money  
 17 in the Fund on a pro rata basis to all candidates who are certified as eligible to receive  
 18 public funds.

19  
 20 **SEC. 1.156. REPORT TO THE MAYOR AND BOARD OF SUPERVISORS.**

21 Following each election at which members of the Board of Supervisors are elected, the Ethics  
 22 Commission shall submit a report to the Mayor and Board of Supervisors. The report shall  
 23 state the amount of public funds used to pay for election campaigns in that election and such  
 24 other information as the Ethics Commission deems useful, including the number of candidates  
 25 who received public funds; the number of nonparticipating candidates; the amount of qualified



1 campaign expenditures made by all candidates in that election; and the amount of  
2 independent expenditures made in connection with the election.

3  
4 **SEC. 1.158. IMPLEMENTING REGULATIONS; FORMS.** Pursuant to Charter Section  
5 15.102, the Ethics Commission shall adopt regulations to implement this Chapter. The Ethics  
6 Commission shall also specify the form and content of all forms and statements required to be  
7 filed under this Chapter.

8  
9 **SEC. 1.160. NO LIMITATION OF CANDIDATE LIABILITY.** Nothing in this Chapter  
10 shall operate to limit the candidate's liability for, nor the candidate's ability to pay, any fines or  
11 other payments imposed pursuant to administrative or judicial proceedings.

12  
13 **SEC. 1.136. 1.162. INDEPENDENT EXPENDITURES FOR MASS MAILINGS,**  
14 **SLATE MAILINGS OR OTHER CAMPAIGN LITERATURE.** Any person who makes  
15 independent expenditures for a mass mailing, slate mailing or other campaign materials which  
16 support or oppose any candidate for City elective office shall place the following statement on  
17 the mailing or materials in typeface no smaller than 14 points:

18  
19 Notice to Voters

20 (Required by City and County of  
21 San Francisco)

22 This mailing is not authorized or approved  
23 by any candidate for City and County office  
24 or by any election official.

25 It is paid for by

(name and committee identification  
number).

(address, city, state).

Total cost of this mailing is (amount)

**SEC. ~~1.138~~ 1.164. DUTIES OF ETHICS COMMISSION.** In addition to other duties required under the Charter and the terms of this Chapter, the Ethics Commission shall:

(a) Prepare and publish written instructions explaining the duties of persons, candidates and committees under this Chapter.

(b) Determine whether required statements and declarations have been filed with the Ethics Commission, and, if so, whether they conform on their face with the requirements of this Chapter.

(c) Notify promptly all persons, candidates and committees known to the Ethics Commission who have failed to file a statement in the form and at the time required by Section 1.106 hereof.

(d) Report apparent violations of this Chapter to the District Attorney.

(e) Compile and maintain a current list of all statements or parts of statements filed with the Ethics Commission pertaining to each candidate and each measure.

(f) Cooperate with the District Attorney in the performance of the duties of the District Attorney as they are related to this Chapter.

(g) Enforce or cause to be enforced the provisions of this Chapter.

(h) Prepare and publish adequate procedures to notify all persons, candidates and committees in advance relative to filing dates and forms required by Section 1.106 hereof.

**SEC. ~~1.140~~ 1.166. DUTIES OF ENFORCEMENT AUTHORITY.** In addition to the

1 other duties required of him or her under the provisions of this Chapter, the enforcement  
 2 authority for civil enforcement shall review such campaign statements filed with the Ethics  
 3 Commission as the Commission shall refer to him or her for legal compliance with the  
 4 provisions of this Chapter.

5  
 6 **SEC. 4.142. 1.168. ENFORCEMENT; ADVICE. DISTRICT ATTORNEY—**  
 7 **COMPLAINTS, LEGAL ACTION, INVESTIGATORY POWERS, CITY ATTORNEY ADVICE.**

8 (a) ENFORCEMENT – GENERAL PROVISIONS. Any person who believes that a  
 9 violation of this Chapter has occurred may file a complaint with the Ethics Commission, City  
 10 Attorney or District Attorney. The Ethics Commission shall investigate such complaints  
 11 pursuant to Charter Section C3.699-13 and its implementing regulations. The City Attorney  
 12 and District Attorney shall investigate, and shall have such investigative powers as are  
 13 necessary for the performance of their duties under this Chapter.

14 (b) ENFORCEMENT – PUBLIC FINANCING PROVISIONS. The City Attorney, or  
 15 any voter, may bring a civil action to enjoin violations of or compel compliance with the public  
 16 financing provisions of this Chapter. No civil action alleging a violation of the public financing  
 17 provisions of this Chapter shall be filed more than four years after the date the cause of action  
 18 accrued or the date that the facts constituting the cause of action were discovered by the civil  
 19 prosecutor, whichever is later.

20 No voter may commence an action under this subsection without first providing written  
 21 notice to the City Attorney of intent to commence an action. The notice shall include a  
 22 statement of the grounds for believing a cause of action exists. The voter shall deliver the  
 23 notice to the City Attorney at least thirty days in advance of filing an action. No voter may  
 24 commence an action under this subsection if the Ethics Commission has issued a finding of  
 25 probable cause that the defendant violated the public financing provisions of this Chapter, or if

1 the City Attorney or District Attorney has commenced a civil or criminal action against the  
 2 defendant, or if another voter has filed a civil action against the defendant under this  
 3 subsection.

4 A Court may award reasonable attorney's fees and costs to any voter who obtains  
 5 injunctive relief under this subsection. If the Court finds that an action brought by a voter  
 6 under this subsection is frivolous, the Court may award the defendant reasonable attorney's  
 7 fees and costs.

8 ~~(a) Any person who believes that a violation of any portion of this Chapter has~~  
 9 ~~occurred may file a complaint with the District Attorney. If the District Attorney determines that~~  
 10 ~~there is reason to believe a violation of this Chapter has occurred, he or she shall make an~~  
 11 ~~investigation. Whenever the District Attorney has reason to believe a willful violation of this~~  
 12 ~~Chapter has occurred or is about to occur, he or she may institute such legal action at such~~  
 13 ~~time as he or she deems necessary to prevent further violations.~~

14 ~~(b) The District Attorney shall have such investigative powers as are necessary for~~  
 15 ~~the performance of the duties prescribed in this Chapter and may demand, and be furnished,~~  
 16 ~~records of campaign contributions and expenses at any time.~~

17 (c) ADVICE. Any person may request advice from the Ethics Commission or City  
 18 Attorney with respect to any provision of this Chapter. The Ethics Commission shall provide  
 19 advice pursuant to Charter Section C3.699-12. Any person may request the City Attorney for  
 20 advice with respect to any provision of this Chapter. The City Attorney shall within 14 days of  
 21 the receipt of said written request provide the advice in writing or advise the person who made  
 22 the request that no opinion will be issued. The City Attorney shall send a copy of said request  
 23 to the District Attorney upon its receipt. (d) The City Attorney shall within nine days from the  
 24 date of the receipt of said written request send a copy of his or her proposed opinion to the  
 25 District Attorney. The District Attorney shall within four days inform the City Attorney whether

1 he or she agrees with said advice, or state the basis for his or her disagreement with the  
2 proposed advice.

3 (e) No person other than the City Attorney who acts in good faith on the advice of  
4 the City Attorney shall be subject to criminal or civil penalties for so acting; provided that, the  
5 material facts are stated in the request for advice and the acts complained of were committed  
6 either in reliance on the advice or because of the failure of the City Attorney to provide advice  
7 within 14 days of the request or such later extended time.

8  
9 **SEC. ~~1.144~~. 1.170. PENALTIES.** (a) GENERAL PROVISIONS – CRIMINAL. Any  
10 person who knowingly or willfully violates any provision of this Chapter shall be guilty of a  
11 misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500  
12 or by imprisonment in the County jail for a period of not more than six months or by both such  
13 fine and imprisonment; provided, however, that any willful or knowing failure to report  
14 contributions or expenditures done with intent to mislead or deceive or any willful or knowing  
15 violation of the provisions of Section 1.114 or Section 1.118 of this Chapter shall be  
16 punishable by a fine of not less than \$500 or three times the amount not reported or the  
17 amount received in excess of the amount allowable pursuant to Section 1.114 or Section  
18 1.118 of this Chapter, or three times the amount expended in excess of the amount allowable  
19 pursuant to Section 1.130, whichever is greater.

20 (b) GENERAL PROVISIONS – CIVIL. Any person who intentionally or negligently  
21 violates any of the reporting requirements or contribution or expenditure limitations set forth in  
22 this Chapter shall be liable in a civil action brought by the civil prosecutor for an amount up to  
23 \$500 or three times the amount not reported or the amount received in excess of the amount  
24 allowable pursuant to Section 1.114 or Section 1.118, or three times the amount expended in  
25 excess of the amount allowable pursuant to Section 1.130, whichever is greater.



1        (c) MISUSE OF PUBLIC FUNDS. Any person who willfully or knowingly uses public  
 2 funds, paid pursuant to this Chapter, for any purpose other than the purposes authorized by  
 3 this Chapter shall be guilty of a misdemeanor and punishable by a fine of not less than \$500,  
 4 or an amount not more than \$5,000 or the amount three times the amount improperly spent,  
 5 whichever is greater, or by imprisonment in the County jail for a period of not more than six  
 6 months, or by both such fine and imprisonment. Any person who willfully, knowingly or  
 7 negligently uses public funds for any purpose other than the purposes authorized by this  
 8 Chapter shall be liable in a civil action brought by the civil prosecutor for an amount up \$5,000  
 9 or an amount of three times the amount improperly spent, whichever is greater.

10        (d) PROVISION OF FALSE OR MISLEADING INFORMATION TO THE ETHICS  
 11 COMMISSION; WITHHOLDING OF INFORMATION. Any person who knowingly or willfully  
 12 furnishes false or fraudulent evidence, documents, or information to the Ethics Commission  
 13 under this Chapter, or misrepresents any material fact, or conceals any evidence, documents,  
 14 or information relevant to certification of eligibility for public financing or to an audit, or fails to  
 15 furnish to the Ethics Commission any records, documents, or other information required to be  
 16 provided under this Chapter shall be guilty of a misdemeanor and upon conviction thereof  
 17 shall be punished by a fine of up to \$5,000, or by imprisonment in the County jail for a period  
 18 of not more than six months, or by both such fine and imprisonment.

19        (e) DEPOSIT IN THE ELECTION CAMPAIGN FUND. All fines paid pursuant to this  
 20 Chapter are to be deposited in the Election Campaign Fund of the City and County of San  
 21 Francisco.

22  
 23        **SEC. 4.146. 1.172. EFFECT OF VIOLATION ON OUTCOME OF ELECTION.** If a  
 24 candidate is convicted of a violation of this Chapter at any time prior to his or her election his  
 25 or her candidacy shall be terminated immediately and he or she shall be no longer eligible for

1 election, unless the court at the time of sentencing specifically determines that this provision  
2 shall not be applicable.

3 No person convicted of a misdemeanor under this Chapter after his or her election  
4 shall be a candidate for any other City and County office for a period of five years following  
5 the date of the conviction unless the court shall at the time of sentencing specifically  
6 determine that this provision shall not be applicable.

7 A plea of nolo contendere shall be deemed a conviction for purposes of this Section.  
8

9 **SEC. ~~1.148.~~ 1.174. EFFECT OF VIOLATION ON CERTIFICATION OF ELECTION**  
10 **RESULTS.** The Director of Elections shall not issue any certificate of nomination or election  
11 to any candidate until his or her campaign statements required in Section 1.106 have been  
12 filed.  
13

14 **SEC. ~~1.150.~~ 1.176. RULES OF CONSTRUCTION.** This Chapter shall be construed  
15 liberally in order to effectuate its purposes. No error, irregularity, informality, neglect or  
16 omission of any officer in any procedure taken under this Chapter which does not directly  
17 affect the jurisdiction of the Board of Supervisors or the City and County to control campaign  
18 contributions shall avoid the effect of this Chapter.  
19

20 **SEC. ~~1.152.~~ 1.178. SEVERABILITY.** If any provision of this Chapter, or the  
21 application thereof to any person or circumstance, is held invalid, the validity of the remainder  
22 of the Chapter and the applicability of such provisions to other persons and circumstances  
23 shall not be affected thereby.  
24  
25

1 APPROVED AS TO FORM:

2 LOUISE H. RENNE, City Attorney

3  
4 By:

JULIA A. MOLL  
Deputy City Attorney